

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

WP(C).No. 15612 of 2004(H)

PETITIONER:

AHEMAD SHEREEF, S/O. ABDUSAMED,
KARUVALLY PATHIKKAL HOUSE, CHEMMANKADAVU P.O.,
DOWN HILL, MALAPPURAM.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

1. THE DEPUTY TRANSPORT COMMISSIONER,
CENTRAL ZONE-1, THRISSUR.
2. THE REGIONAL TRANSPORT OFFICER,
MALAPPURAM.

BY GOVERNMENT PLEADER SHRI. MUHAMMED PUZHAKKARA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX IN W.P(C) 15612/04

EXT.P1: TRUE COPY OF THE NOTICE DT. 30.5.2003

EXT.P2: -DO- OF THE REPRESENTATION DT. 18.6.03

EXT.P3: -DO- OF THE LETTER DT. 22.11.03

EXT.P4: -DO- OF THE APPEAL MEMORANDUM DT. 5.12.2003

EXT.P5: -DO- OF THE ACKNOWLEDGEMENT OF RECEIPT OF MONEY DT. 17.12.03

jj

/TRUE COPY/

P.A. TO JUDGE

KURIAN JOSEPH, J.

W.P.(C) NO. 15612 OF 2004

Dated this the 23rd day of November, 2007.

J U D G M E N T

The only prayer in this writ petition is for a direction to the first respondent to receive Exhibit P4 appeal and consider the same on merits. There is no dispute that the fees was not paid. But, it is seen that the fees was paid in a wrong entry. Instead of remitting the fees in the Treasury, it was remitted in the R.T.O office. Ultimately, the State is benefited by the fees also.

2. Therefore, it is only in the interest of justice that the appeal is considered on merits. Petitioner may appear before the first respondent with a copy of the writ petition and the original of Exhibit P4 within a period of two months from today, in which case, the first respondent shall consider Exhibit P4 with notice to the petitioner and appropriate orders on merits shall be passed within a period of another three months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp